

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE FINLEY,

No. C 04-5102 MEJ

Plaintiff(s),

vs.

**ORDER FOR PLAINTIFF'S COUNSEL,
RICHARD MEIER, TO FILE
DECLARATION BY DECEMBER 7, 2005
AT 10:00 A.M.**

CITY OF OAKLAND, et al.,

Defendant(s).

On November 29, 2005, Plaintiff's counsel, Richard Meier, filed a declaration in which he states that he is unfamiliar with the Federal Rules of Civil Procedure and was unaware that the Civil Local Rules establish a briefing schedule for motion practice before this Court. Mr. Meier requested a continuance of the summary judgment hearing, currently scheduled for December 8, 2005. Before making its decision, the Court permitted Defendants an opportunity to file a response to Plaintiff's request.

Based on Defendants' response, it appears that Mr. Meier has not been forthright with the Court. Accordingly, the Court hereby ORDERS Mr. Meier to e-file a declaration no later than December 7, 2005 at 10:00 a.m. In his declaration, Mr. Meier shall, under penalty of perjury, explain how he was unaware of the Civil Local Rules, and specifically Civil Local Rule 7, considering he has appeared in this district at least since 1990. Mr. Meier shall also explain why he was not on notice of the Court's motion briefing schedule established in Local Rule 7, specifically in consideration of his failure to timely file an opposition in another

Upon receipt and review of Mr. Meier's declaration, the Court shall consider whether to allow Plaintiff to file an opposition and continue the hearing date. Until that time, the parties should be prepared to present oral arguments on December 8, 2005, as scheduled.

Dated: December 5, 2005

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